

UNITED STATES PATENT & TRADEMARK OFFICE

Examiner: OGUNBIYI, O.A. Art Unit: 1645
Applicant: THIRY, Michel, et al.
Serial No.: 10/574,639
Filed: March 31, 2006
For: PISCIRICKETTSIA SALMONIS
ANTIGENS AND USE THEREOF
Confirmation No. 4135

DECLARATION OF DEPOSITOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

April 7, 2008

SIR:

I, Ingrid Dheur hereby state:

1. That I am a Biologics B.U. Director at Eurogentec S.A.
2. That, on September 11, 2003, I deposited a sample of
Yersinia ruckeri 224/pGEM5ZF+/45kDa/S with the
Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

This deposit was made in compliance with the Budapest Treaty on the International
Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit
Accession Number LMG P-22044. A copy of the accession agreement is annexed hereto as
Exhibit A.

3. That, on May 27, 2004, I deposited a sample of

Yersinia ruckeri 224/pGEM5ZF+/75kDa with the

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacterienverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

This deposit was made in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number LMG P-22511. A copy of the accession agreement is annexed hereto as Exhibit B.

4. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited material referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited material will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of any of the deposited material was received by the BCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

* April 4th, 2002
Date

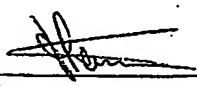

Depositor

Exhibit A

DEPOSIT RECEIPT FOR
LMG P-22044

KOPIE

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM

LMG COLLECTION

Page 1 of Form BCCM/LMG/BP/4/.....03-150b..... Receipt in the case of an original deposit

**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the
Purposes of Patent Procedure**

**Receipt in the case of an original deposit issued pursuant to Rule 7.1 by the International
Depositary Authority BCCM/LMG identified at the bottom of next page**

International Form BCCM/LMG/BP/4/....03-150b.....

To: Name of the depositor : EUROGENTEC SA (D. Cingolani)

Address : Rue Bois St Jean 14
B-4102 Seraing
Belgium

I. Identification of the microorganism:

I.1 Identification reference given by the depositor:

Yersinia ruckeri 224/pGEM5ZF+/45kDa/S

I.2 Accession number given by the International Depositary Authority:

LMG P-22044

KOPIE

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM
LMG COLLECTION**

Page 2 of Form BCCM/LMG/BP/4/.....03-150b..... Receipt in the case of an original deposit

II. Scientific description an/or proposed taxonomic designation

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es))

- ☒ a scientific description
☒ a proposed taxonomic designation

III. Receipt and acceptance

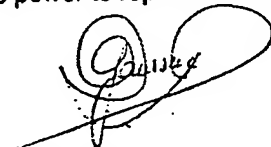
This International Depositary Authority accepts the microorganism identified under I above,
which was received by it on (date of original deposit):

September 11, 2003

IV. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority
or of authorized official(s) :



Dr. D. Janssens, curator IDA

Date:

October 8, 2003

**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the
Purposes of Patent Procedure**

**Viability statement issued pursuant to Rule 10.2 by the International Depositary Authority
BCCM/LMG identified on the following page**

International Form BCCM/LMG/BP/9/.....03-150b.....

To: Party to whom the viability statement is issued

Name : Ir. D. Cingolani
Address : EUROGENTEC SA
Rue Bois St Jean 14
B-4102 Seraing
Belgium

I. Depositor

I.1 Name : EUROGENTEC SA
I.2 Address : Rue Bois St Jean 14
B-4102 Seraing
Belgium

II. Identification of the microorganism

II.1 Accession number given by the International Depositary Authority:

LMG P-22044

II.2 Date of the original deposit (or where a new deposit or a transfer has been made, the most recent relevant date):

September 11, 2003

III. Viability statement

The viability of the microorganism identified under II above was tested on:
(Give date. In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test).

September 15, 2003

On that date, the said microorganism was : (mark the applicable box with a cross)

- ☒ viable
☐ no longer viable

IV. Conditions under which the viability test has been performed:

(Fill in if the information has been requested and if the results of the test were negative).

V. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

**Signature(s) of person(s) having the power to represent the International Depositary Authority
or of authorized official(s) :**



Dr. D. Janssens, curator IDA

Date:

October 8, 2003

Exhibit B

**DEPOSIT RECEIPT FOR
LMG P-22511**

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

**Receipt in the case of an original deposit issued pursuant to Rule 7.1 by the International
Depository Authority BCCM/LMG identified at the bottom of next page**

International Form BCCM/LMG/BP/4/.... 04-187

To: **Name of the depositor** : EUROGENTEC SA (D. Cingolani)

Address : Rue Bois St Jean 14
B-4102 Seraing
Belgium

I. Identification of the microorganism:

I.1 Identification reference given by the depositor:

Yersinia ruckeri 224/pGEM5ZF+/75kDa
(batch 05/05/2004)

1.2 Accession number given by the International Depositary Authority:

LMG P-22511

II. Scientific description an/or proposed taxonomic designation

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es))

- ☒ a scientific description
☒ a proposed taxonomic designation

III. Receipt and acceptance

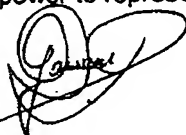
This International Depositary Authority accepts the microorganism identified under I above,
which was received by it on (date of original deposit):

May 27, 2004

IV. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority
or of authorized official(s) :



Dr. D. Janssens, curator IDA

Date:

June 7, 2004

**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the
Purposes of Patent Procedure**

**Viability statement issued pursuant to Rule 10.2 by the International Depositary Authority
BCCM/LMG Identified on the following page**

International Form BCCM/LMG/BP/9/..... 04-187

To: Party to whom the viability statement is issued

Name : Ir. D. Cingolani
Address : EUROGENTEC SA
Rue Bois St Jean 14
B-4102 Seraing
Belgium

I. Depositor

I.1 Name : EUROGENTEC SA
I.2 Address : Rue Bois St Jean 14
B-4102 Seraing
Belgium

II. Identification of the microorganism

II.1 Accession number given by the International Depositary Authority:

LMG P-22511

II.2 Date of the original deposit (or where a new deposit or a transfer has been made, the most recent relevant date):

May 27, 2004

III. Viability statement

The viability of the microorganism identified under II above was tested on:
(Give date. In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test).

May 27, 2004

On that date, the said microorganism was : (mark the applicable box with a cross)

- ☒ viable
☐ no longer viable

IV. Conditions under which the viability test has been performed:

(Fill in if the information has been requested and if the results of the test were negative).

V. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority
or of authorized official(s) :



Dr. D. Janssens, curator IDA

Date:

June 7, 2004